

211 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARHCRM-M-24528-2023
Date of Decision:04.08.2023

Jaspal Kaur ...Petitioner

Vs.

State of Punjab ...Respondent

Coram : Hon'ble Mr. Justice N.S.ShekhawatPresent: Mr.Harmanpreet Singh, Advocate for
for the petitioner.

Mr. Mohit Chaudhary, AAG, Punjab.

N.S.Shekhawat J.

1. The petitioner has filed the present petition under Section 439 Cr. PC with a prayer to grant regular bail to her in case FIR No.28 dated 17.03.2022 under Sections 302, 34 of IPC, registered at Police Station C-Division, District Police Commissionerate, Amritsar.

2. The FIR in the present case was got registered by Rekha, widow of late Ashok Kumar. As per her, her youngest daughter namely Priya @ Khushi was aged about 30 years, who was married to Ajay Singh @ Ajay son of Satnam Singh, co-accused for the last about five years ago. Her daughter, was also having one daughter namely, Pari, aged about four years. Her husband Ajay Singh @ Ajay was a drug addict and used to beat her up. Sometimes ago, she informed the complainant that all her earnings were spent by her husband Ajay Singh @ Ajay on intoxicants. Priya @ Khushi had given a sum of Rs.4 /5 lacs or her jewellery to Balwant Singh @ Kaka, her uncle-in-law and now he was not returning the same. Due to this, the husband of her daughter, Ajay

Singh @ Ajay and her father-in-law Satnam Singh used to quarrel with her and also used to beat her up. On 17.03.2022, she got the information that her daughter Priya @ Khushi had died and the dead body was lying in front of her in-laws house on bed. On this information, she reached there and alleged that her daughter had been killed by her husband Ajay Singh @ Ajay, her father in law Satnam Singh, her mother-in-law Jaspal Kaur and uncle-in-law Balwant Singh @ Kaka and Tirath Singh by strangulating her.

3. Learned counsel for the petitioner contends that the petitioner, who is the old mother-in-law of Priya @ Khushi, since deceased, had no concern with the matrimonial affairs of Ajay Singh @ Ajay and Priya @ Khushi. Still further, as per the complainant herself, Priya @ Khushi (since deceased) got married to Ajay Singh about five years ago and in the last five years, no complaint regarding any kind of harassment was made by the deceased. Apart from that, in the FIR Annexure P-1 also, the complainant did not allege anything against the present petitioner and she has only been named in the complaint, part of the FIR, as unfortunately she happens to be mother of Ajay Singh @ Ajay , main accused. Still further, it is apparent from the FIR that Ajay Singh @ Ajay was a drug addict and there were temperamental differences between Ajay Singh @ Ajay, co-accused and Priya @ Khushi, since deceased. During the course of investigation, the police had recorded the statements of various accused in police custody and even as per the said alleged disclosure statements, no role was assigned to the present petitioner. Learned counsel further contends that the petitioner was arrested in the present case on 18.03.2022 and is in custody for the last more than one year and four months.

Even the Trial is at the initial stage in the present case and the conclusion of the

trial may take considerable time.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that in the present case the cause of death is *Asphyxia* as a result of strangulation, which was sufficient to cause death in ordinary course of nature. Apart from that, the petitioner is the mother-in-law of the deceased and was specifically named in the FIR.

5. I have heard learned counsel for the parties and with their able assistance; I have perused the record.

6. It is not disputed that in the FIR Annexure P-1, there is no specific allegations against the present petitioner, even though she is named by the complainant, in Annexure P-1. Still further, it can also be inferred from the allegations levelled by the complainant that Ajay Singh @ Ajay, husband of the deceased was a drug addict and there were temperamental differences between him and Priya @ Khusi (since deceased). Apart from that, the petitioner is in custody for the last more than one year and four months and the conclusion of the trial may take considerable time.

7. Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on her furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate.

(N.S.SHEKHAWAT)
JUDGE

04.08.2023
hitesh

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No